

# TSCA INSPECTION, CASE, ENFORCEMENT, AND REFERRAL RECORD

## INSPECTION:

INSPECTION DATE: 05 / 03 / 2000 FTTS ENTRY DATE: 6 / 26 / 00 INITIALS: [Signature]  
 INSPECTOR NUMBER: 16131 INSPECTOR NAME: EILEEN HILEMAN INSPECT SEQ: 1 / 2 / 3  
 LEGISLATION: I INVESTIGATION TYPE: 131 2XP 4CI 5CI 6PF 6PS 7CI 8CI REGION/STATE: 10 /  
 REASON FOR INSPECTION: NSR REFERRAL TYPE: \_\_\_\_\_ FILE NUMBER: \_\_\_\_\_  
 DATE REPORT REC'D: \_\_\_\_\_ WARRANT REC'D: Y / N NUMBER SAMPLES: 0 / CBI: Y / N  
 FACILITY FUNCTION: PD MN US / \_\_\_\_\_ PRODUCT REG #: \_\_\_\_\_ FEDERAL FACILITY: Y / N  
 EPA ESTAB #: \_\_\_\_\_  
 REMARKS: \_\_\_\_\_  
 SITE NAME: WILSON ELEMENTARY  
 SITE ADDRESS: 911 W. 25TH AVENUE  
 SITE CITY: SPOKANE SITE STATE: WA SITE ZIP: 99003 - 1200  
 SITE COUNTY: (IF CITY = PORTLAND) \_\_\_\_\_ SITE COUNTY CODE: 063  
 SITE DUNNS: \_\_\_\_\_ SIC CODE: \_\_\_\_\_  
 PARENT NAME: (SAME AS ABOVE OR): \_\_\_\_\_  
 PARENT ADDRESS/CITY/ZIP: \_\_\_\_\_

REVIEW DUE: \_\_\_\_\_ STATUS: ACTIVE / CLOSED

## CASE REVIEW:

FTTS ENTRY DATE: 6 / 26 / 00 INITIALS: [Signature]  
 CASE REVIEW OFFICER: DD STUFF: \_\_\_\_\_  
 REVIEW START: \_\_\_\_\_ REVIEW COMPLETE: \_\_\_\_\_ REVIEW PRELIM: \_\_\_\_\_  
 ACTION WARRANTED: Yes / No VIOL CODE(S): 13A 5GR 6PR 8RR

## ACTION/ENFORCEMENT:

FTTS ENTRY DATE: \_\_\_\_\_ INITIALS: \_\_\_\_\_  
 DOCKET NUM: \_\_\_\_\_ CASE NUM: \_\_\_\_\_  
 ACTION TYPE: \_\_\_\_\_ ACTION STATUS: Active / Closed  
 CASE DEVLMT OFFICER: \_\_\_\_\_ EPA ATTY: \_\_\_\_\_  
 PROPOSED PENALTY: \$ \_\_\_\_\_ FINAL PENALTY: \$ \_\_\_\_\_ ABATEMENT AMT: \$ \_\_\_\_\_  
 REGS VIOLATED: \_\_\_\_\_ REMARKS: \_\_\_\_\_  
 DATE TO ORC: \_\_\_\_\_ DATE ISSUED: \_\_\_\_\_ RESPONSE DUE: \_\_\_\_\_ RESPONSE REC'D: \_\_\_\_\_  
 DATE CLOSED: \_\_\_\_\_ CAFO MAILED: \_\_\_\_\_ CAFO RESP DUE: \_\_\_\_\_ THEY SIGN: \_\_\_\_\_  
 EPA SIGN: \_\_\_\_\_

## SETTLEMENT CONDITIONS:

TERMS:	DATE DUE	DATE REC'D..	EBE (T/F)	PREV CODE	COST TO COMPANY	AMOUNT MITIGATED
1. _____	____/____/____	____/____/____	____	____	____	____
2. _____	____/____/____	____/____/____	____	____	____	____
3. _____	____/____/____	____/____/____	____	____	____	____
4. _____	____/____/____	____/____/____	____	____	____	____
5. _____	____/____/____	____/____/____	____	____	____	____
6. _____	____/____/____	____/____/____	____	____	____	____
7. _____	____/____/____	____/____/____	____	____	____	____
8. _____	____/____/____	____/____/____	____	____	____	____
9. _____	____/____/____	____/____/____	____	____	____	____
10. _____	____/____/____	____/____/____	____	____	____	____

## REFERRAL:

FTTS ENTRY DATE: \_\_\_\_\_ INITIALS: \_\_\_\_\_  
 REQUEST DATE: \_\_\_\_\_ REFERRAL DATE: \_\_\_\_\_ REFERRAL TYPE: \_\_\_\_\_ ORIGIN: \_\_\_\_\_  
 REFERRAL SEQ: \_\_\_\_\_ DESTINATION: \_\_\_\_\_ REFERRED BY: \_\_\_\_\_  
 POSSIBLE VIOLATIONS: \_\_\_\_\_ RESPONSE FROM REFERRAL: \_\_\_\_\_  
 FURTHER ACTION (Y/N) / TYPE: \_\_\_\_\_ ENFORCEMENT TYPE: Major / Minor DATE CLOSED: \_\_\_\_\_  
 SAMPLES REC'D.: Y / N ENFORCEMENT ISSUED: \_\_\_\_\_  
 REMARKS: \_\_\_\_\_

**TSCA PCB INSPECTION  
SPOKANE SCHOOL DISTRICT  
WILSON ELEMENTARY  
SPOKANE, WASHINGTON**

**FACILITY:** Wilson Elementary  
911 W. 25th Avenue.  
Spokane, Washington 99003-1200

**FACILITY CONTACT:** Steve Burns, Principal  
Phone: (509) 354-4500  
Fax: (509) 354-4520

**DATE OF INSPECTION:** May 3, 2000

**DATE OF REPORT:** May 4, 2000

**INSPECTORS:** M. Eileen Hileman (Lead)  
Investigations and Engineering Unit  
EPA Region 10

Bruce Long  
Oregon Operations Office  
EPA Region 10

**BACKGROUND**

A review of the Region 10 TSCA PCB files indicates that Wilson Elementary has not previously been inspected.

**ENTRY AND FILE REVIEW**

The inspectors entered the school on May 3, 2000, at approximately 12:30 p.m. Credentials were presented Janet Gores, Principal. We explained our intention to conduct a TSCA PCB inspection. Ms. Gores read and signed the TSCA Notices. The Notices are appended to this inspection Report as Attachment I.

**FACILITY INSPECTION**

Accompanied by Mr. Jeff McCartney, District Custodian, we did a walk through of the school. We proceeded to room 114 (photograph 1). We first examined the ballast at row 1 bank 3, room 114. The ballast was a Sylvania non-PCB ballast. The ballast was intact and non-leaking at the time of the inspection (photograph 2).

We next examined the ballast in row 2 bank 4 room 114. The ballast was a Sylvania Quicktronic non-PCB ballast. It was intact and non-leaking at the time of the inspection (photograph 3).

We then moved to room 105 (photograph 4). We first examined the ballast at row 2 bank 7 in room 105. The ballast was a Sylvania Quicktronic non-PCB ballast. It was intact and non-leaking at the time of the inspection (photograph 5).

We next examined the ballast at row 1 bank 1 in room 105. The ballast was a Sylvania Quicktronic non-PCB ballast. It was intact and non-leaking at the time of the inspection (photograph 6).

The lights in the kitchen were post 1980.

### **OUT BRIEFING**

We informed Joe Madsen, District Risk Director of our findings via cell phone after the inspection was completed. We left the facility at 1:00 p.m.

### **ATTACHMENTS**

1. TSCA Inspection and Confidentiality Notices
2. Photographs

5-11-00  
DATE REPORT SUBMITTED

M. C. Hilema  
INSPECTOR'S SIGNATURE

Att. I





United States Environmental Protection Agency  
Washington, D.C. 20460  
Toxic Substances Control Act

Form Approved  
OMB No. 2070-0007  
Approval Expires 10-31-92

TSCA INSPECTION CONFIDENTIALITY NOTICE

The public reporting burden for this collection of information is estimated to average 5 minutes per response. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information to the Chief, Information Policy Branch (PM-223), US Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked ATTENTION: Desk Officer for EPA.

1. Investigation Identification			2. Firm Name
Date 5-3-00	Inspector No. 16131	Daily Seq. No. 001	Wilson Elementary
3. Inspector Name M Eileen Hilemen			4. Firm Address 911 W. 25th Ave Spokane, WA 99003-1200
5. Inspector Address EPA R10 1200 Sixth Ave (DEA-095) Seattle, WA 98101			6. Chief Executive Officer Name x Janet Gores
			7. Title x Principal

TO ASSERT A CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during inspection of the facility above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the Administrator of the Agency determines that the data contain information entitled to confidential treatment or may be withheld from release under other exceptions of FOIA.

Any or all the information collected by EPA during the inspection may be claimed confidential if it relates to trade secrets or commercial or financial matters that you consider to be confidential business information. If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of confidential business information. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information you have claimed as confidential business information.

A confidential business information (CBI) claim may be asserted at any time. You may assert a CBI claim prior to, during, or after the information is collected. The declaration form was developed by the Agency to assist you in asserting a CBI claim. If it is more convenient for you to assert a CBI claim on your own stationery or by marking the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this form. The inspector will be glad to answer any questions you may have regarding the Agency's CBI procedures.

While you may claim any collected information or sample as confidential business information, such claims are unlikely to be upheld if they are challenged unless the information meets the following criteria:

1. Your company has taken measures to protect the confidentiality of the information, and it intends to continue to take such measures.

2. The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
3. The information is not publicly available elsewhere.
4. Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is confidential business information.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your firm within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive confidential treatment.

The statement from the Chief Executive Officer should be addressed to:

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of the Notice. Claims may be made any time after the inspection, but inspection data will not be entered into the special security system for TSCA confidential business information until an official confidentiality claim is made. The data will be handled under the agency's routine security system unless and until a claim is made.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE:

I have received and read the notice.

If there is no one on the premises of the facility who is authorized to make business confidentiality claims for the firm, a copy of this Notice and other inspection materials will be sent to the company's chief executive officer. If there is another company official who should also receive this information, please designate below.

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

Signature x Janet Gores	Name
Name x Janet Gores	Title
Title x Principal	Address
Date Signed x 5-3-00	





United States Environmental Protection Agency  
Washington, D.C. 20460

Toxic Substances Control Act

NOTICE OF INSPECTION

Form Approved  
OMB No. 2070-0007  
Approval Expires 07-31-96

The public reporting burden for this collection of information is estimated to average 5 minutes per response. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information to the Chief, Information Policy Branch (PM-223), US Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked ATTENTION: Desk Officer for EPA.

1. Investigation Identification			2. Time	3. Firm Name
Date 5-3-00	Inspector No. 16131	Daily Seq. No. 001	12:30	Wilson Elementary
4. Inspector Address EPA RID 1200 Sixth Ave. (OE-095) Seattle, WA 98101				5. Firm Address

REASON FOR INSPECTION

Under the authority of Section 11 of the Toxic Substances Control Act:

- ☒ For the purpose of inspecting (including taking samples, photographs, statements, and other inspection activities) an establishment, facility, or other premises in which chemical substances or mixtures or articles containing same are manufactured, processed or stored, or held before or after their distribution in commerce (including records, files, papers, processes, controls, and facilities) and any conveyance being used to transport chemical substances, mixtures, or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls, and facilities) bearing on whether the requirements of the Act applicable to the chemical substances, mixtures, or articles within or associated with such premises or conveyance have been complied with.

☐ In addition, this inspection extends to (Check appropriate blocks):

☐ A. Financial data

☐ D. Personnel data

☐ B. Sales data

☐ E. Research data

☐ C. Pricing data

The nature and extent of inspection of such data specified in A through E above is as follows:

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

Inspector Signature <i>M. Eileen Hileman</i>		Recipient Signature <i>Janet Gores</i>	
Name M. Eileen Hileman		Name Janet Gores	
Title Inspector	Date Signed 5-3-00	Title Principal	Date Signed 5/3/00

ATI. II

**PHOTOGRAPHY LOG  
WILSON ELEMENTARY  
SPOKANE SCHOOL DISTRICT  
SPOKANE, WASHINGTON**

Photograph 1 taken by Eileen Hileman on May 3, 2000 at Wilson Elementary, Spokane, Washington. Photograph 1 shows the entrance to room 114.



Photograph 2 taken by Eileen Hileman on May 3, 2000 at Wilson Elementary, Spokane, Washington. Photograph 2 shows the ballast at row 1 bank 3 in room 114. The ballast was intact and non-leaking at the time of the inspection.

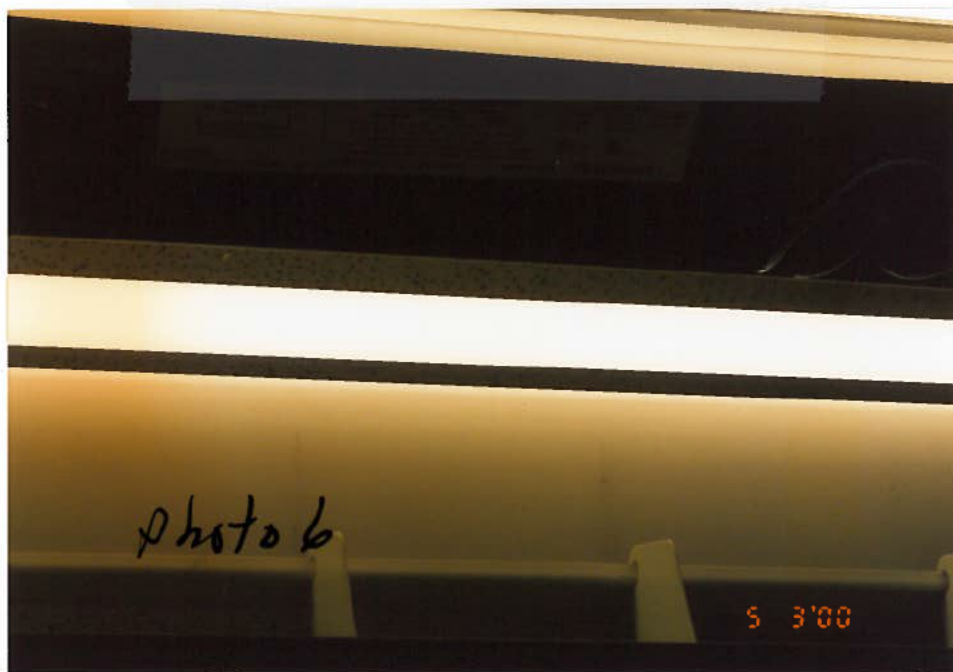


Photograph 3 taken by Eileen Hileman on May 3, 2000 at Wilson Elementary, Spokane, Washington. Photograph 3 shows the ballast at row 2 bank 4 in room 114. The ballast was intact and non-leaking at the time of the inspection.



Photograph 4 taken by Eileen Hileman on May 3, 2000 at Wilson Elementary, Spokane, Washington. Photograph 4 shows the entrance to room 105.

Photograph 5 was taken by Eileen Hileman on May 3, 2000 at Wilson Elementary, Spokane, Washington. Photograph 5 shows the ballast at row 2 bank 7 in room 105. The ballast was intact and non-leaking at the time of the inspection.



Photograph 6 was taken by Eileen Hileman on May 3, 2000 at Wilson Elementary, Spokane, Washington. Photograph 6 shows the ballast at row 1 bank 1 room 105. The ballast was intact and non-leaking at the time of the inspection.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

Duncan  
RECEIVED  
MAR 16 2000

"SWAT Unit"  
"OWCM"

Reply To  
Attn Of: ORC-158

March 16, 2000

VIA FIRST CLASS MAIL

Peter Mersereau  
Mersereau & Shannon, LLP  
1600 Benjamin Franklin Plaza  
One S.W. Columbia Street  
Portland, Oregon 97258

Re: West Linn-Wilsonville School District  
Docket No. TSCA-10-99-0244

Dear Peter:

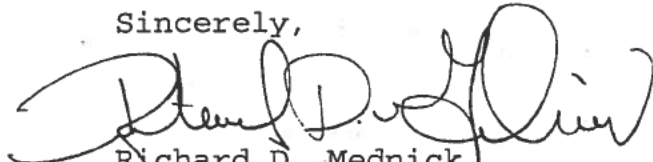
Dan Duncan and I have set aside Thursday, March 30<sup>th</sup>, from 10:00 AM until 4:00 PM for a settlement conference with the representatives of the West Linn-Wilsonville School District (District). Please come to the Tetra Tech offices, One Union Square, 600 University Street, Suite 800, in Seattle, and ask the receptionist there to direct you to the Cascade Conference Room. We will meet you at this conference room.

In terms of our discussion at the settlement conference, if it would be useful to the District, we will be prepared to discuss the particular violations alleged in the complaint and the calculation of the proposed penalty. It would be helpful for EPA to hear any explanation that the District has regarding the circumstances leading up to the alleged violations. Also, if the District believes that any of the alleged violations are in error, or that the penalty is not a proper application of the PCB Penalty Policy, it would be important to provide EPA with explanations in support of such views.

I am enclosing a copy of a policy developed by EPA for Supplemental Environmental Projects. As part of our consideration of a settlement, the District may want to avail itself of the opportunity to propose a project or projects which the District would be willing perform, in terms of scope and duration, in accordance with this policy.

I am looking forward to our upcoming meeting.

Sincerely,



Richard D. Mednick  
Associate Regional Counsel

Enclosure

cc: Daniel Duncan





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, WA 98101**

August 16, 1999

Reply To

Attn Of: WCM-128

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Mr. Roger Woehl, Superintendent  
West-Linn Wilsonville School District  
P.O. Box 35  
West-Linn, Oregon 97068**

**Mr. Darren Lee, Vice President  
Three Rivers Environmental, Inc.  
P.O. Box 216  
545 West Arlington  
Gladstone, Oregon 97027**

**Re: Polychlorinated Bi-Phenyl (PCB) Remediation at  
Wilsonville Primary School and Stafford Primary School  
Self-Implementing Remediation Under 40 CFR § 761.61(a)**

**Dear Messrs. Woehl and Lee:**

We have reviewed your August 12, 1999, Work Plan, for Polychlorinated Bi-Phenyl (PCB) sampling, cleanup and removal of PCB contamination which resulted from releases of Toxic Substances Control Act (TSCA) regulated PCBs in the Wilsonville Primary School located at 30275 SW Boone's Ferry Road, Wilsonville, Oregon and the Stafford Primary School located at 19875 SW Stafford Road, West-Linn, Oregon. Your proposed PCB cleanup plan as described in your August 12, 1999, letter is acceptable to EPA Region 10. As stated in your plan, the West-Linn Wilsonville School District and Three Rivers Environmental, Inc., have agreed to perform the actions listed below and our acceptance of the PCB cleanup proposal is conditional upon your agreement to the following:

**1. The West-Linn Wilsonville School District and Three Rivers Environmental, Inc., will complete the following by August 23, 1999:**

- a. The complete characterization of the Wilsonville Primary School and the Stafford Primary School in accordance with 40 CFR Part 761, Subpart N: Site Characterization Sampling for PCB remediation Waste under 40 CFR § 761.61(a)(2).**

- b. The removal of all PCB waste from the Wilsonville Primary School located at 30275 SW Boone's Ferry Road, Wilsonville, Oregon .
- c. The removal of all PCB waste from the Stafford Primary School located at 19875 SW Stafford Road, West-Linn, Oregon.
- d. The disposal/incineration of all PCB remediation waste, from the Wilsonville Primary School and the Stafford Primary School, with a PCB concentration of < 50 ppm in accordance with 40 CFR § 761.61(a)(2)(i) and 40 CFR § 761.61(a)(5)(v)(A), in a state regulated municipal waste landfill, a RCRA Subtitle C landfill, a non-hazardous nonmunicipal waste landfill subject to the requirements of 40 CFR §§ 257.5 through 257.30, or in a chemical waste landfill or at an incinerator approved by the EPA to accept PCB waste subject to the Toxic Substances Control Act (TSCA).
- e. The disposal/incineration of all PCB remediation waste, from the Wilsonville Primary School and the Stafford Primary School, with a PCB concentration of  $\geq 50$  ppm in accordance with 40 CFR § 761.61(a)(2)(ii), in a state regulated hazardous waste landfill permitted by EPA under section 3004 of RCRA, or permitted by a state under section 3006 of RCRA, or in a chemical waste landfill or at an incinerator approved by the EPA to accept PCB waste subject to the Toxic Substances Control Act (TSCA).
- f. The disposal/incineration of all PCB bulk product waste, including fluorescent light ballasts containing PCBs in the potting compound, from the Wilsonville Primary School and the Stafford Primary School, in accordance with 40 CFR §§ 761.62(a)(1) - (7).
- g. Provide copies of Certificates of Disposal for the disposal of the PCB wastes.
- h. Provide copies of Certificates of Destruction for the incineration of the PCB wastes.
- i. The identification on all appropriate facility drawings at Wilsonville Primary School and the Stafford Primary School, of the existence of TSCA regulated PCB waste and contamination, if any, that is left in place at the Wilsonville Primary School and Stafford Primary School. This identification should indicate the need for additional precautions during future modification, renovation, or demolition of the facility.

- j. Perform the required PCB verification sampling in accordance with 40 CFR §§ 761.61(a)(6)(i)-(ii).
  - k. Perform the required PCB verification sampling analysis using PCB Methods 3500B/3540C or Method 3500B/3500B and the chemical analyses by EPA Method 8082 in accordance with 40 CFR § 761.61(a)(5)(iv) and 40 CFR § 761.292 (Subpart O).
  - l. Retain the records required under 40 CFR §§ 761.125(e)(5)(i)-(iv) and 40 CFR §§ 761.61(a)(3) - (a)(5).
2. The West-Linn Wilsonville School District and Three Rivers Environmental, Inc., will complete the following sampling and removal:
- a. If it is determined that soil below the Stafford Primary School staging area may have been contaminated with PCB waste, the soil shall be sampled as soon as the entry to the soil below the Stafford Primary School staging area is deemed safe during the excavation. This sampling will occur no later than August 20, 1999.
  - b. On August 23, 1999, upon receiving the sampling results, a preliminary report will be submitted to EPA providing the results and a schedule for removing the soil and asphalt that exceeds 1 ppm PCBs from the Stafford Primary School. The PCB soil will be removed by August 24, 1999.
  - c. The removal of PCB contaminated asphalt and soil from the Stafford Primary School staging area to less than 1 ppm PCBs in accordance with 40 CFR § 761.61(a).
  - d. Disposal requirements, record keeping, and PCB verification sampling for all soil and asphalt that is PCB waste will be conducted in accordance with 1.g, 1.h, 1.i and 1.j of this letter.
3. The West-Linn Wilsonville School District and Three Rivers Environmental, Inc., will provide to EPA Region 10 and the Oregon Department of Environmental Quality (ODEQ) a final report documenting the completion of the above items. This report will be provided no later August 24, 1999 for the PCB remediation. This report will also include:
- a. The results of soil and asphalt sampling and disposal. If a determination is made that soil and asphalt sampling is not required, the basis of that determination will be provided.

- b. The results of the removal of all soil and asphalt to less than 1 ppm PCBs.
- c. Information on additional pre- and post-cleanup sampling as well as the estimated cost of the cleanup by man-hours and dollars in accordance with 40 CFR §§ 761.61(a)(6)(i)-(ii) and 40 CFR § 761.61(a)(9) and 40 CFR §§ 761.125(c)(5)(i-ix). Although not required for compliance with the PCB Spill Cleanup Policy at 40 CFR § 761.125 (c)(5), this information should also be maintained by West-Linn Wilsonville School District as well as the Oregon Department of Environmental Quality.

This determination by EPA does not obviate the West-Linn Wilsonville School District from the responsibility to comply with requirements of other federal laws and applicable Oregon State requirements under Oregon Administrative Rule (OAR) 340-122-047, Generic Remedies For Soils Contaminated With Polychlorinated Bi-Phenyls (PCBs).

If you have any questions, please contact Daniel Duncan, Regional PCB Program Manager, of my staff. He can be reached at EPA Region 10, Office of Waste and Chemicals Management, M/S WCM-128, 1200 Sixth Avenue, Seattle, Washington 98101; Telephone (206) 553-6693. If you have any questions on PCB sampling methods, please contact Dr. Bruce Woods, Office of Environmental Assessment at (206) 553-1193.

Sincerely,



David Croxton, Manager  
Solid Waste and Toxics Unit



Reply To  
Attn Of: WCM-128

**CERTIFIED MAIL - RECEIPT RETURN REQUEST**

Mr. Roger Woehl, Superintendent  
West-Linn Wilsonville School District  
P.O. Box 35  
West-Linn, Oregon 97068

Mr. Darren Lee, Vice President  
Three Rivers Environmental, Inc.  
P.O. Box 216  
545 West Arlington  
Gladstone, Oregon 97027


Re: Polychlorinated Bi-Phenyl (PCB) Remediation at  
Wilsonville Primary School and Stafford Primary School  
Self-Implementing Remediation Under 40 CFR § 761.61(a)

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bcc: Michael Bussell, OWCM  
Dan Opalski, OOO  
Bruce Long, OOO

DDUNCAN/jp:WCM-128:08/16/99:Westlinn.wpd

CONCURRENCES					
INITIALS					
NAME	D. Duncan				
DATE	8/16/99				



# EPA

U.S. Environmental Protection Agency  
Oregon Operations Office  
811 S.W. Sixth Avenue  
Portland, Oregon 97204  
Fax: (503) 326-3399  
Confirm: (503) 326-3250

## FACSIMILE TRANSMISSION

Date: 2/28/2000

Page 1 of 6 pages

To: Dan Duncan

Location: Wcm-128

Fax#: RCRA 12

From: Bruce Long

Comments:

FYI on Wilsonville

**CHEMICALS AND THE CLASSROOM****FEB 28 2000**

(b) (6)

Teachers admit that the last few days of the elementary school year are more humanitarian than academic: we hug parents and children, plead with families to continue to read together, promise drooping plants a "vacation" for the summer in our own gardens. June is a time for finishing up and beginning personal renewal. It's a time for putting aside our professional lives to allow our personal interests and our families' needs to take precedence for a while. The thought of summer vacation is sometimes what keeps teaching professionals going as we put in late nights for meetings and conferences throughout the year.

So, it came as quite a surprise that in my 25th year of teaching, hours before summer vacation was to begin, my life and that of several colleagues changed forever.

Six days before the end of school, a light ballast burst in the special education classroom. (That was my first piece of learning: fluorescent light fixtures have a safety feature--a ballast--which used to contain a fire-resistant chemical. Unfortunately, that chemical--Polychlorinated biphenyls or "PCBs"--is now considered a probable carcinogen by the Environmental Protection Agency.) The ignition of the ballast produced a popping sound followed by a terrible smell, not unlike the smell of an empty coffee carafe left on a hotplate. A thick tar-like substance began leaking from the ceiling onto desks, papers, and books awaiting return to the shelves.

In our case, this was not a new event. Over a period of years, teachers in the oldest wing of the building had seen ignitions of ballasts a couple of times a year. They had always duly reported them to maintenance and/or administration, then set about cleaning up the mess, often with the same sponge that was later returned to the sink for use in wiping tables. We had always been told they were nothing to worry about.

What was different this time was a pact forged among colleagues who had grown concerned with the ensuing headaches such a discharge caused and the increasing number of retired colleagues who faced life-threatening illnesses: the next time this happened, we promised each other, we'd send a sample to a laboratory to find out what it was--just for our own peace of mind.

That June day, it became time to honor the promise.

The ensuing events read, at times, like a comedy of errors, but end with the grim reality of chronic illness and personal tragedy. Eventually, we all came to understand that this problem is probably much more widespread than anyone realizes. Here is a short list of what we've learned:

1) **Tight budgets have often forced schools to make compromises in maintenance decisions**--sometimes with disastrous results. In our case, our school district tried to save money by putting lower watt bulbs in old fluorescent fixtures. This resulted in the bulb overheating which caused the ballasts to explode and release PCB gas into the air.

2) **Today's environmental laws are complex and constantly changing.** Although laws banning the manufacture of PCBs have been in effect since 1977, it is still considered legal to have PCB ballasts in buildings as long as they haven't ignited. The laws surrounding disposal of ignited ballasts *have* changed. Maintenance did not share these changes with frontline personnel.

Custodians depend on administrative supervisors who are up-to-date in the use and disposal of chemicals used in buildings. Substitute custodians--often hired through temp agencies--were likewise ignorant of chemical dangers surrounding disposal of these ballasts. When leaking ballasts were thrown into dumpsters, contamination was spread to the community landfill.

3) **Do not assume that everyone knows the law or the research.** In our case, our Internet searches provided us with information which eventually became the basis of PCB knowledge in the school district and our interactions with physicians and researchers provided more up-to-date information than insurance experts currently had available.

4) **Know that every building is required to have an MSDS (Material Safety Data Sheets) which lists the chemical composition of every product introduced into the school environment** and that this book must be accessible to all school personnel and anyone who comes in to do repairs in the building. Each school is also required to have an asbestos management plan which lists the location of all asbestos in the building and its condition. If no asbestos is in the building, certification to that effect must be on record from the construction company.

Each school must also have a safety committee which meets regularly to address issues of employee safety.

5) **Work within the system as much as possible for correction of the problem and follow the chain of command:** the building principal, the classified and certified unions, the district administrators, and members of the school board. Even if the administration or union is not responsive, these steps are required for successful legal action.

This is not an issue that will be resolved quickly. Be persistent but be understanding: officials may well have as little information as you did when you started and they will likely be resistant to the belief that they have placed



children or staff at risk. Parents, too, will have a hard time believing anything is wrong. In our case, despite strong local publicity surrounding the spill, not one parent wrote a letter to the newspaper editor.

**6) Document, document, document.** Requests for previous maintenance of ballasts in my building were often made orally before we all went about our jobs--and promptly forgot making the requests. No records of ballast changes were kept. Subsequent investigation revealed that hundreds of ballasts had leaked over time and nothing had been done about them except to clean up the spill--then spread the contamination via a carpet cleaning machine and cleaning rags to all other classrooms.

Notes or email is a personal reminder to follow through. In the weeks and months which may lie ahead of you, this documentation will be the only way of keeping all the facts straight.

**7) After exposure, see your physician as soon as possible.** In my case, I assumed my reaction to PCB discharge was simply a bad allergy season. It wasn't until weeks later when I went in for a persistent sore throat that I understood this was something different. Doctors need these baseline readings to begin to monitor symptoms which may occur years later. You will also need to provide them with chemical information since there are few medical experts in this field.

In the same way, be sure to report the exposure to your worker's compensation organization. The claim will likely be denied, but at least there is a record of the exposure.

**8) There are agencies which will help you,** but the effectiveness of the agencies will vary state-to-state and region to region. Our experience with the EPA was extremely positive. They recognize that schools face particular financial challenges and are anxious to assess the situation and provide guidelines for clean-up. Theirs is primarily an outreach organization and officials resort to enforcement and fines only when school officials are less than forthcoming. They just want everyone to be safe.

It's also worth noting that the EPA is highly committed to protecting the confidentiality of anyone who requests help. All statements made to this agency are protected. The EPA can also become a clearinghouse to other agencies as a plan of treatment is developed for the building and its staff and children.

Don't be surprised if the response of other local agencies--including the health department--is not sympathetic. More than once we heard, "Yes, it's bad, but schools don't have money, so what are you going to do?" At such times, it is important to seek the agency's state or regional counterparts.

**9) Once a teacher makes a report to redress safety concerns,**

**he/she can seek protection under the "Whistleblower Act."**

Remember the \$435 hammer? It was this case, in which a whistleblower alerted Congressman Berkeley Bedell to fiscal abuses in Navy purchasing, that highlighted the need for legal protections. Today, there is even an agency, the Government Accountability Project (GAP) which can advise teachers concerning legal matters surrounding a report and can assist in a complaint to the Department of Labor, if necessary.

Be aware that there is a *national* act and various *state* acts. Check to see what legal provisions exist in your state.

**10) Think carefully before going to the press.** Find a reporter whose integrity will allow him/her to share a teacher's passion for the safety of children rather than the need for a sensational story. Sometimes, reporters will agree to talk off the record for background information or will report on conversations with anonymous employees. In such cases, be sure to stick to the facts as opposed to implications and be aware that readers may guess who you are anyway.

**11) Don't hesitate to get legal advice early on.** You may never need to use it, but providing background information and retaining lawyers early allows them to make quicker decisions on your behalf if they need to do so.

It may be tempting to use legal counsel through your union, but be aware that because the union will be paying for the consultation, they have the right to all the information you have shared and you may lose control of where the information goes. Be sure to get this clarified up front.

**12) Make note of unusual changes in children's behaviors and share patterns you discover with parents.** Chemical exposure can lead to chemical sensitivity and food allergies. What adults may consider misbehavior or lack of focus of attention may actually be a small body's attempt to cope with a chemical reaction.

While our particular situation surrounded PCBs, its resolution also led to the discovery of an asbestos problem. In the end, it only made sense to request air quality studies, water testing and information about pesticide use. All PCB light ballasts were removed throughout the district. Although elementary school teachers, my colleagues and I probably now know more about chemistry and toxic waste than most of our supervisors.

In a year, a brand-new building will be my home. It replaces my familiar 1951 brick structure. In the old days, I would have breathed a sigh of relief: I'll finally get to be part of opening a new building! Today, I face that prospect with some anxiety. I know that that new building will contain hundreds of chemicals which are being emitted into the air from solvents, carpets, glues,

waxes and plastics.

My exposure to PCBs has made it difficult for me to be around perfumes and household cleaning products. What will this chemical onslaught mean to my chemically-sensitive colleagues and the children who sat on PCB-saturated rugs or were exposed to leaks? In many respects, the battle to educate has just begun as we work to encourage the use of natural alternatives to chemicals and plastics.

Make no mistake about it: in an age when we believe "safe schools" has to do with guns and violence, a more silent but potent threat lurks. It may be difficult to stretch ourselves to include chemical awareness as part of our teacher education, but, in the end, the teacher's health and that of the children may be at stake.

#### ***Resources:***

##### **Government Accountability Project:**

Email address: <http://www.whistleblower.org/www/casals.htm>

##### **Environmental Protection Agency**

Email address: <http://www.epa.gov>

##### **Agency for Toxic Substances and Disease Registry (ATSDR)**

1600 Clifton Road NE, Mailstop E-29

Atlanta, Georgia 30333

Phone: 1-800-447-1544

Email address: <http://atsdr1.atsdr.cdc.gov:8080/ToxFAQ.html>.

##### **Children's Health Network**

##### **Books:**

Doris Rapp

NEA Safe Schools